

REMARKS

In the Office Action¹, the Examiner took the following actions:

objected to claim 3 because of informalities;

rejected claims 1, 3, 7, 9, 11, 13, and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite;

rejected claims 1, 11, 13, and 15 under 35 U.S.C. § 102(b) as being anticipated by Chang et al. (U.S. Patent No. 6,470,489, "Chang"); and

indicated that claims 3, 5, 7, and 9 were drawn to allowable subject matter and would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter but respectfully traverse the rejections.

Applicants submit amendments to the specification to correct typographical and grammatical errors. In particular, the specification now recites a "Fourier transform."

In addition, Applicants have amended claims 1, 3, 7, 9 and 15; added new claims 23 and 24; and canceled claims 12 and 14. Claims 2, 4, 6, 8, 10, and 16-22 are withdrawn from consideration, and thus claims 1, 3, 5, 7, 9, 11, 13, 15, 23, and 24 remain under examination.

Applicants have amended claim 3 in a manner consistent with the Examiner's comments at page 2 of the Office Action. Claim 3 now recites a "Fourier transform." Accordingly, Applicants request that the Examiner withdraw the objection to claim 3.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Claims 1 and 15 are amended in response to the Examiner's comments at page 2 of the Office Action with respect to the claim rejection under 35 U.S.C. § 112, second paragraph. Specifically, claims 1 and 15 are amended to recite "the finish pattern being predicted from a design pattern." In light of these amendments, Applicants request that Examiner withdraw the rejection of claims 1, 3, 7, 9, 11, 13, and 15 under 35 U.S.C. § 112, second paragraph.

Claims 7 and 9 are amended to recite language consistent with independent claim 1, from which claims 7 and 9 depend.

Applicants respectfully traverse the rejection of claims 1, 11, 13, and 15 under 35 U.S.C. § 102(b). In order to support a rejection under 35 U.S.C. § 102, each and every element of each claim in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Here, the cited reference fails to teach each and every element of the claims.

Amended claim 1 recites an edge deviation calculation method including:

a desired pattern is compared with a finish pattern to be formed on a wafer . . . and a deviation quantity of the finish pattern from the desired pattern at each of the edges of the finish pattern and the desired pattern is calculated, the calculation method comprising . . . setting an evaluation point only on a target position of the desired pattern for comparison of the finish pattern with the desired pattern (emphasis added).

Chang fails to teach or suggest at least this claim limitation.

Chang, at col. 20, lines 40-49, discusses FIG. 21, stating that:

the system simulates the aerial image of the input layouts . . . [and] the difference between the ideal layout's image and the corrected layout for various light intensities are examined. A tolerance is used to determine areas that [are] out of range of the acceptable deviation between the corrected layout's image and the ideal layout's image.

However, Chang fails to teach or suggest "setting an evaluation point only on a target position of the desired pattern." Instead, Chang evaluates overlapping areas of the ideal layout's image and the corrected layout are evaluated against a tolerance to determine areas that are out of range of the acceptable deviation. Thus, Chang fails to teach or suggest "a deviation quantity of the finish pattern from the desired pattern at each edge of the finish pattern and the desired pattern is calculated . . . [and] setting an evaluation point only on a target position of the desired pattern for comparison of the finish pattern with the desired pattern," as recited in amended claim 1. Claim 1 is therefore not anticipated by Chang because the reference fails to teach or suggest each and every element recited by claim 1.

Amended claim 15 recites similar limitations to claim 1, and thus Chang also fails to anticipate claim 15 for reasons similar to those discussed above with respect to claim 1. Claims 11 and 13 depend from claim 1 and are allowable over Chang at least due to their dependence from claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 11, 13, and 15 under 35 U.S.C. § 102(b).


New claims 23 and 24 depend from independent claim 1 and are also allowable over Chang, at least due to their dependence from claim 1. Accordingly, in light of the above discussed amendments and remarks, Applicants respectfully submit that claims

1, 3, 5, 7, 9, 11, 13, 15, 23, and 24 are in condition for allowance and request prompt and favorable action by the Examiner.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

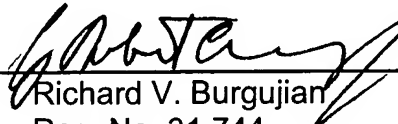
Respectfully submitted,

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By:



27,432
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